

### **REMARKS**

Reconsideration and withdrawal of the rejections set forth in the Final Office Action are respectfully requested in view of this amendment.

By this Amendment claims 1 and 3 have been amended. Claims 2 and 4 were previously presented. Accordingly, claims 1-4 are currently pending in the application and are presented for reconsideration and reexamination in view of the following remarks.

Claims 1 and 3 have been amended to recite the subject matter more clearly. Specifically, to clarify a first and second data transmission route, and better define explicitly what the Applicant views the formerly included term 'is finished' to mean, now amended to "approaches its end so that the second data transmission route is established before the first data transmission route is disconnected."

Support for these features may be found in the present application at least beginning on page 13, line 9 (through page 14, line 15) of the original specification.

It is respectfully submitted that the above amendments introduce no new matter within the meaning of 35 U.S.C. § 132.

In the outstanding Office Action, the Examiner rejected claims 1-4 under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 5,877,906 to Nagasawa et al. (hereinafter referred to as "the Nagasawa et al. '906 patent") in view of U.S. Patent No. 6,311,011 B1 to Kuroda (hereinafter referred to as "the Kuroda '011 patent") and U.S. Pre-grant Publication No. 2001/0018727 A1 to Ando et al. (hereinafter referred to as "the Ando et al. '187 publication").

#### **Rejection of Claims Under 35 U.S.C. §103(a)**

The Examiner rejected claims 1-4 under 35 U.S.C. 103(a) as unpatentable over the Nagasawa et al. '906 patent in view of the Kuroda '011 patent and the Ando et al. '187 publication. Specifically, the Examiner asserted that the Nagasawa et al. '906 patent teaches a control apparatus connected to a plurality of target apparatuses via a communication line.... except for recording subunit display means for displaying a list of recording subunits on a screen.

The Examiner also asserted that the Kuroda '011 patent teaches recording subunit display means for displaying a list of recording subunits on a screen (Fig. 5). As concluded by the Examiner, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a screen displaying recording subunits to provide users with a user-friendly interface to select recording subunits. The Examiner acknowledged that the Nagasawa et al. '906 patent and the Kuroda '011 patent do not explicitly teach using the IEEE 1394 interface. The Examiner further asserted that the Ando et al. '187 publication teaches using IEEE 1394 interface in a recording device ([0969] and [0986]) and concluded that therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the IEEE 1394 interface in the device to prevent other information from being written in the position in which data is to be recorded.

### **Response**

This rejection is traversed as follows. Referencing Applicant's previous response, in order to establish a *prima facie* case of obviousness, following examination of the four factual inquiries under *Graham v. John Deere*, the Examiner must establish: (1) that some suggestion or motivation to modify the references exists; (2) a reasonable expectation of success; and (3) the prior art references teach or suggest all of the claim limitations.

Applicant's amended claim 1 sets forth:

“A control apparatus connected to a plurality of target apparatuses via a serial bus conforming to IEEE 1394, and providing the plurality of target apparatuses with data of image and audio via the serial bus, comprising:

recording subunit display means for displaying a list of recording subunits, installed in said plurality of target apparatuses, on a screen;

recording subunit selection means for accepting a selection of recording subunits, on which the data is to be recorded, from the list of recording subunits displayed on the screen by said recording subunit display means;

recording option selection means for accepting a selection of simultaneous recording or continuous recording; said simultaneous recording being a recording mode in which the data is recorded simultaneously on the recording subunits selected through said recording subunit selection means, said continuous recording being a recording mode in which the data is recorded on the recording subunits, selected through said recording subunit selection means, in an order in which the recording subunits are selected; and

transmission route establishment means for simultaneously establishing a data transmission route between the control apparatus and each of all the selected recording subunits by using an interface conforming to IEEE 1394 when the simultaneous recording is selected through said recording subunit selection means, and sequentially establishing a first data transmission route between the control apparatus and one selected recording subunit by using the interface conforming to IEEE 1394 and establishing a second data transmission route between the control apparatus and another selected recording subunit each time a recording by the one selected recording subunit approaches its end so that the second data transmission route is established before the first data transmission route is disconnected when the continuous recording is selected through said recording subunit selection means.”

It is respectfully submitted that the subject matter presented in amended independent claims 1 and 3 is patentably distinguishable from the inventions of the cited references, and specifically is distinguishable from a combination of the Nagasawa et al. ‘906 patent taken in view of the Ando et al. ‘727 publication. In particular, this combination fails at least because the combination *fails to teach or suggest a specific transmission route establishment means or step*. This is a particular feature of the Applicant’s presently claimed subject matter.

Applicant notes that the feature of the presently claimed subject matter resides particularly in transmission route establishment means for or step of simultaneously establishing a data transmission route between the control apparatus and each of all the selected recording subunits by using an interface conforming to IEEE 1394 when the simultaneous recording is selected through said recording subunit selection means, and sequentially establishing a first data transmission route between the control apparatus and one selected recording subunit by using the interface conforming to IEEE 1394 and establishing a second data transmission route between the control apparatus and another selected recording subunit each time a recording by the one selected recording subunit approaches its end so that the second data transmission route is established before the first data transmission route is disconnected when the continuous recording is selected through said recording subunit selection means or step.

In more detail, according to claims 1 and 3 of the presently claimed subject matter, a plurality of target apparatuses connected via a serial bus conforming to IEEE 1394 are targeted to be operated. External recording apparatuses specifically described beginning on page 7, line 20 (through page 8, line 3) of the original specification are examples of the target apparatuses. Further, recording subunits are installed in the plurality of target apparatuses and a recording subunit in a

target apparatus is connected with a recording subunit in another target apparatus via a serial bus conforming to IEEE 1394 so that a control apparatus according to the presently claimed subject matter can control any recording subunit to be recorded without a consciousness of any target apparatus. In other words, the control apparatus can handle a recording subunit installed in any target apparatus as a recording subunit on IEEE 1394 *regardless* of which target apparatus the recording subunit is installed in. A merit of IEEE 1394 resides in that *any subunit can be selected without complicated constraint of connection and initial procedure.*

According to the presently claimed subject matter, when a continuous recording is selected, a first data transmission route between the control apparatus and one selected recording subunit is sequentially established by using the interface conforming to IEEE 1394 and a second data transmission route between the control apparatus and another selected recording subunit is established *each time a recording by the one selected recording subunit approaches its end* so that *the second data transmission route is established before the first data transmission route is disconnected.*

Additional features according to claims 2 and 4 reside in that a point-to-point connection for each of the first and second data transmission routes are established.

Further, another merit of IEEE 1394 resides in a parallel connection in which both the first and second data transmission routes are simultaneously established to transmit recording signals for both the routes so that plural processes can be performed simultaneously and smoothly.

Consequently, according to the presently claimed subject matter, *when plural subunits are recorded continuously or sequentially in particular, the second data transmission route is established before the first data transmission route is disconnected in conformity with IEEE 1394 so that the recording is surely carried out without recording omission even when a subunit is switched to another subunit.*

In contrast, the Nagasawa et al. '906 patent merely discloses an apparatus (camcorder) for recording data in real time onto a recording medium including a DVD, a HDD and so on, and does not teach or suggest that *a plurality of target apparatuses (external recording apparatuses) connected via a serial bus are targets to be operated*, as recited in Applicant's claim 1.

The Nagasawa et al. '906 patent also fails to disclose any elements for reducing a user's burden to enable the user to effectively operate when the user set the control apparatus to perform a simultaneous recording or a continuous recording for subunits installed in the plurality of target apparatuses and to be recorded.

The Nagasawa et al. '906 patent regards recording media in only one apparatus as a target to be recorded and thus does not require a particular constitution for establishing a transmission route. For this reason, the Nagasawa et al. '906 patent *fails to teach or suggest a specific transmission route establishment means or step* and that the *second data transmission route is established before the first data transmission route is disconnected when the continuous recording is selected by a recording subunit selection means* or step, as recited in Applicant's claim 1.

The Ando et al. '727 publication discloses only a connection to IEEE 1394 and does not disclose a specific transmission route establishment means or step.

As a result, features of the presently claimed subject matter cannot be obtained even if the above two references are combined, and accordingly *the effect of surely carrying out a continuous recording with recording omission* is not obtained.

It is for these reasons that the combination of cited references fails. Such effects are not disclosed in the Nagasawa et al. '906 patent and the Ando et al. '727 publication. Therefore, it is asserted that this construction is entirely different from the invention disclosed in the Nagasawa et al. '906 patent and the Ando et al. '727 publication. Thus, as claim 1 has been amended to combine and incorporate the original features discussed above of the specification, the effect of surely carrying out a continuous recording with recording omission is neither shown nor suggested by the combination of Nagasawa et al. '906 patent taken in view of the Ando et al. '727 publication. The Nagasawa et al. '906 patent and the Ando et al. '727 publication do not teach or suggest every claimed feature, and do not anticipate currently amended and thus allowable claim 1.

Claim 3 has also been amended in similar fashion to recite original features of the specification, as discussed above and thus is patentably distinct and not anticipated by the cited references, whether taken alone or in any combination.

The Nagasawa et al. '906 patent and the Ando et al. '727 publication do not teach or suggest every claimed feature, and do not anticipate claims 1 and 3. Accordingly, Applicant respectfully

requests withdrawal of the 35 U.S.C. §103(a) rejection of claims 1 and 3.

As claims 2 and 4 depend from claims 1 and 3, these claims are allowable for at least this reason.

Since none of the other prior art of record discloses or suggests all the features of the claimed invention, Applicant respectfully submits that independent claims 1 and 3, and all the claims that depend therefrom, are allowable and request indication of such and withdrawal of the 35 U.S.C. §103(a) rejection of claims 1-4.

**CONCLUSION**

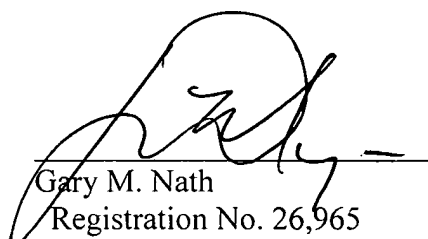
In light of the foregoing, Applicant submits that the application is now in condition for allowance. If the Examiner believes the application is not in condition for allowance, Applicant respectfully requests that the Examiner call the undersigned attorney(s).

Respectfully submitted,

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